

## Message Text

LIMITED OFFICIAL USE

PAGE 01 BONN 16333 01 OF 03 071526Z  
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SSO-00  
NSCE-00 INRE-00 SS-15 SP-02 PA-01 ICAE-00 ITC-01  
TRSE-00 IO-13 /068 W  
-----001491 071542Z /42

O 071506Z SEP 78  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC IMMEDIATE 1673  
AMEMBASSY LONDON IMMEDIATE  
AMEMBASSY PARIS IMMEDIATE

LIMITED OFFICIAL USE SECTION 01 OF 03 BONN 16333

E.O. 11652: N/A  
TAGS: EAIR, GW  
SUBJECT: CIVAIR: US-FRG CIVIL AVIATION NEGOTIATIONS:  
FRG POSITION

REF: STATE 219915

1. PARAGRAPH 6 BELOW CONTAINS TEXT OF GERMANY DRAFT  
OF ARTICLE 11 RE TARIFFS IN RESPONSE TO U.S. PROPOSAL  
CONTAINED IN REFTEL.

2. IN HANDING OVER TEXT TO EMBASSY OFFICER,  
STUKENBERG SAID THAT GERMAN COUNTER TEXT IS BASED ON  
ASSUMPTION THAT IATA RATE - FIXING PROCEDURE WILL BE  
USED WHEN POSSIBLE; IF IATA PROCEDURES FAIL,  
WE SHOULD OPEN THE POSSIBILITY OF INTERCARRIER  
NEGOTIATIONS (IN ACCORDANCE WITH BERMUDA 2); IF  
NEITHER OF THESE PROCEDURES SUCCEED, EACH STATE  
CAN REQUIRE THE FILING OF TARIFFS; IF THERE IS  
STILL NO AGREEMENT, EITHER STATE CAN ASK FOR  
CONSULTATIONS WITH A VIEW TO REACHING A COMMON  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BONN 16333 01 OF 03 071526Z

UNDERSTANDING; FINALLY, IF ALL ELSE FAILS, THE  
COUNTRY OF ORIGIN RULES SHOULD APPLY.

3. ON COMMENTING ON THE PREAMBLE, STUKENBERG  
SAID THE U.S. TEXT SEEMED TO GO BEYOND THE  
COMPETENCE OF FRG AVIATION AUTHORITIES. THE FRG  
COUNTER TEXT IS BASED ON LANGUAGE IN BERMUDA 2

AND THE OLD U.S. - FRG AGREEMENT AND IS INTENDED TO LIST THE BASIC PRINCIPLES WHICH THE FRG BELIEVES SHOULD BE TAKEN INTO CONSIDERATION IN SETTING TARIFFS.

4. STUKENBERG CALLED ATTENTION TO THE TIME PERIODS LISTED IN SUBPARAGRAPH FIVE AND STATED THAT THEY WERE TAKEN FROM THE BERMUDA 2 AGREEMENT, BUT WERE SUBJECT TO FURTHER NEGOTIATIONS.

5. STUKENBERG EMPHASIZED THAT THE GERMAN COUNTER DRAFT IS INTENDED TO DEMONSTRETE FLEXIBILITY AND IS TO BE CONSIDERED AS PART OF A PACKAGE TO BE NEGOTIATED ON THE BASIS OF AN ADEQUATE QUID PRO QUO.

6. FOLLOWING IS PROPOSED GERMAN TEXT. QUOTE:

ARTICLE 11  
TARIFFS

(1) TARIFFS OF THE DESIGNATED AIRLINES OF THE CONTRACTING PARTIES FOR CARRIAGE BETWEEN THEIR TERRITORIES SHALL BE ESTABLISHED IN ACCORDANCE WITH THE PROCEDURES SET OUT IN THIS ARTICLE.

(2) THE TARIFFS TO BE CHARGED BY THE DESIGNATED AIRLINES ON THE ROUTES PROVIDED FOR IN LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BONN 16333 01 OF 03 071526Z

ACCORDANCE WITH PARAGRAPH (2) OF ARTICLE 2 OF THIS AGREEMENT SHALL BE REASONABLE, DUE REGARD BEING PAID TO ALL RELEVANT FACTORS, SUCH AS

HIGH STANDARD OF SAFETY,  
COST OF OPERATION ASSUMING REASONABLE LOAD FACTORS,  
REASONABLE PROFIT,  
NEED TO MEET COMPETITION FROM SCHEDULED OR CHARTER,  
AIR SERVICES WHOLLY OR PARTLY OFFERED ON THE SAME ROUTES,  
TAKING INTO ACCOUNT DIFFERENCES IN COST AND QUALITY OF SERVICE  
AND PREVENTION OF UNJUST DISCRIMINATION AND UNDUE PREFERENCES OR ADVANTAGES AS WELL AS THE REASONABLE INTERESTS OF USERS OF THE AIR TRANSPORT SERVICES.

(3) THE TARIFFS TO BE CHARGED BY THE DESIGNATED AIRLINES OF EITHER CONTRACTING PARTY BETWEEN THE

TERRITORIES OF THE CONTRACTING PARTIES SHALL,

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 BONN 16333 02 OF 03 071531Z  
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SSO-00  
NSCE-00 INRE-00 SS-15 SP-02 PA-01 ICAE-00 ITC-01  
TRSE-00 IO-13 /068 W  
-----001533 071542Z /42

O 071506Z SEP 78  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC IMMEDIATE 1674  
AMEMBASSY LONDON IMMEDIATE  
AMEMBASSY PARIS IMMEDIATE

LIMITED OFFICIAL USE SECTION 02 OF 03 BONN 16333

CONSISTENT WITH THE PROVISIONS OF THIS AGREEMENT, BE  
SUBJECT TO THE APPROVAL OF THE AERONAUTICAL  
AUTHORITIES OF THE CONTRACTING PARTIES, WHO SHALL  
ACT IN ACCORDANCE WITH THEIR OBLIGATIONS UNDER THIS  
AGREEMENT, WITHIN THE LIMITS OF THEIR LEGAL POWERS.

(4) DURING ANY PERIOD FOR WHICH EITHER CONTRACTING  
PARTY HAS APPROVED THE TRAFFIC CONFERENCE PROCEDURES  
OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION OR  
OTHER ASSOCIATION OF INTERNATIONAL AIRLINES ANY RATE  
AGREEMENTS CONCLUDED THROUGH THESE PROCEDURES OR AS  
A RESULT OF OTHER INTERCARRIER DISCUSSIONS AND  
INVOLVING AN AIRLINE OR AIRLINES OF THE CONTRACTING  
PARTIES WILL BE SUBJECT TO THE APPROVAL OF THE  
AERONAUTICAL AUTHORITIES OF THOSE CONTRACTING PARTIES.

(5) INTERCARRIER AGREEMENTS ACCORDING TO PARAGRAPH (4)  
SHALL BE SUBMITTED TO THE AERONAUTICAL AUTHORITIES  
OF BOTH CONTRACTING PARTIES AT LEAST ONE HUNDRED FIVE  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BONN 16333 02 OF 03 071531Z

(105) DAYS BEFORE THE PROPOSED DATE OF EFFECTIVENESS,  
ACCOMPANIED BY SUCH JUSTIFICATION AS EACH CONTRACTING  
PARTY MAY REQUIRE OF ITS OWN AIRLINES. THE PERIOD  
OF 105 DAYS MAY BE REDUCED WITH THE CONSENT OF THE  
AERONAUTICAL AUTHORITIES OF THE CONTRACTING PARTY  
WITH WHOM A FILING IS MADE. THE AERONAUTICAL  
AUTHORITIES OF EACH CONTRACTING PARTY SHALL USE THEIR  
BEST EFFORTS TO DECIDE ON THE APPROVAL OF EACH  
AGREEMENT SUBMITTED IN ACCORDANCE WITH THIS PARAGRAPH  
ON OR BEFORE THE SIXTIETH (60TH) DAY AFTER ITS  
RECEIPT. EACH CONTRACTING PARTY MAY REQUIRE THAT  
TARIFFS REFLECTING AGREEMENTS APPROVED BY IT BE FILED  
AND PUBLISHED IN ACCORDANCE WITH ITS LAWS.

(6) ANY TARIFF PROPOSED BY AN AIRLINE OF EITHER  
CONTRACTING PARTY FOR SCHEDULED SERVICE BETWEEN THE  
TERRITORIES OF THE CONTRACTING PARTIES AND NOT  
COVERED BY AN INTERCARRIER AGREEMENT APPROVED BY THE  
AERONAUTICAL AUTHORITIES OF BOTH CONTRACTING PARTIES  
ACCORDING TO PARAGRAPH (5) SHALL, IF SO REQUIRED,  
BE FILED WITH THE AERONAUTICAL AUTHORITIES OF THE  
OTHER CONTRACTING PARTY AT LEAST SEVENTY FIVE (75)  
DAYS PRIOR TO THE PROPOSED DATE OF INTRODUCTION  
UNLESS THE CONTRACTING PARTY WITH WHOM THE FILING  
IS TO BE MADE PERMITS FILING ON SHORTER NOTICE.  
SUCH TARIFF SHALL BECOME EFFECTIVE UNLESS ACTION IS  
TAKEN AS PROVIDED IN PARAGRAPH (8) OF THIS ARTICLE.

(7) IF THE AERONAUTICAL AUTHORITIES OF ONE CONTRACTING  
PARTY ON RECEIPT OF THE NOTIFICATION REFERRED TO IN  
PARAGRAPH (6) OF THIS ARTICLE IS DISSATISFIED WITH  
THE TARIFF PROPOSED IT SHALL SO NOTIFY THE OTHER  
CONTRACTING PARTY AT LEAST FIFTEEN (15) DAYS PRIOR  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BONN 16333 02 OF 03 071531Z

TO THE PROPOSED EFFECTIVE DATE OF SUCH TARIFF. THE  
CONTRACTING PARTY RECEIVING THE NOTIFICATION MAY  
REQUEST CONSULTATIONS AND IF SO REQUESTED, SUCH  
CONSULTATIONS SHALL BE HELD AT THE EARLIEST POSSIBLE  
DATE FOR THE PURPOSE OF ATTEMPTING TO REACH AGREEMENT  
ON THE APPROPRIATE TARIFF. IF NOTIFICATION OF  
DISSATISFACTION IS NOT GIVEN AS PROVIDED IN THIS  
PARAGRAPH, THE TARIFF SHALL BE DEEMED TO BE APPROVED  
BY THE AERONAUTICAL AUTHORITIES OF THE CONTRACTING  
PARTY RECEIVING THE FILING AND SHALL BECOME EFFECTIVE  
AT THE PROPOSED DATE.

(8) IN THE EVENT THAT AGREEMENT IS REACHED ON THE APPROPRIATE TARIFF UNDER PARAGRAPH (7) OF THIS ARTICLE, EACH CONTRACTING PARTY WILL EXERCISE ITS BEST EFFORTS TO PUT SUCH TARIFF INTO EFFECT. IF AN AGREEMENT IS NOT REACHED PRIOR TO THE PROPOSED EFFECTIVE DATE OF THE TARIFF, OR IF CONSULTATIONS ARE NOT REQUESTED, NEITHER CONTRACTING PARTY SHALL PREVENT THE INSTITUTION OR CONTINUATION OF ANY FARE OR RATE WHICH IS PROPOSED OR OFFERED BY A DESIGNATED AIRLINE OF THE OTHER CONTRACTING PARTY, EXCEPT WHERE THE FIRST POINT ON THE ITINERARY (AS EVIDENCED BY THE DOCUMENT AUTHORIZING TRANSPORTATION BY AIR) IS IN THE TERRITORY OF THE FIRST CONTRACTING PARTY, UNLESS OTHERWISE AGREED BY THE CONTRACTING PARTIES. HOWEVER, EACH CONTRACTING PARTY SHALL PERMIT ANY DESIGNATED AIRLINE OF THE OTHER CONTRACTING PARTY TO INSTITUTE OR CONTINUE A FARE OR RATE WHICH MATCHES, OR PROVIDES FOR A SUBSTANTIALLY SIMILAR FARE, RATE OR PRICE AND FOR SUBSTANTIALLY SIMILAR TERMS AND

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 BONN 16333 03 OF 03 071527Z  
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SSO-00  
NSCE-00 INRE-00 SS-15 SP-02 PA-01 ICAE-00 ITC-01  
TRSE-00 IO-13 /068 W  
-----001495 071543Z /42

O 071506Z SEP 78  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC IMMEDIATE 1675  
AMEMBASSY LONDON IMMEDIATE  
AMEMBASSY PARIS IMMEDIATE

LIMITED OFFICIAL USE SECTION 03 OF 03 BONN 16333

CONDITIONS AS, ANY FARE OR RATE WHICH IS APPROVED OR PERMITTED FOR ITS OWN AIRLINE OR AIRLINES. IN NO CIRCUMSTANCES, HOWEVER, SHALL A CONTRACTING PARTY

REQUIRE A DIFFERENT TARIFF OF ITS OWN DESIGNATED AIRLINES FOR COMPARABLE SERVICE BETWEEN THE SAME POINTS.

(9) THE TARIFFS TO BE CHARGED BY THE DESIGNATED AIRLINES OF ONE CONTRACTING PARTY BETWEEN THE TERRITORY OF THE OTHER CONTRACTING PARTY AND THE TERRITORY OF A THIRD STATE SHALL BE SUBJECT TO THE APPROVAL OF THE OTHER CONTRACTING PARTY AND SUCH THIRD STATE.

(10) THE AERONAUTICAL AUTHORITIES OF EACH CONTRACTING PARTY SHALL USE THEIR BEST EFFORTS TO ENSURE THAT THE DESIGNATED AIRLINES CONFORM TO THE AGREED TARIFFS FILED WITH THE AERONAUTICAL AUTHORITIES OF THE CONTRACTING PARTIES, AND THAT NO AIRLINE REBATES ANY PORTION OF SUCH TARIFFS BY ANY MEANS, DIRECTLY OR LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BONN 16333 03 OF 03 071527Z

INDIRECTLY. UNQUOTE.

MEEHAN

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, TEXT, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 07 sep 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978BONN16333  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780364-0892  
**Format:** TEL  
**From:** BONN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780990/aaaacwts.tel  
**Line Count:** 303  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 84bede55-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 6  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 STATE 219915  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 05 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 1511780  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR: US-FRG CIVIL AVIATION NEGOTIATIONS: FRG POSITION  
**TAGS:** EAIR, GE, US  
**To:** STATE LONDON  
**Type:** TE  
**vdkvgwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/84bede55-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014